

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**ALFRED J. PETIT-CLAIR., and
MATTHEW J. PETIT-CLAIR,**

Plaintiffs,

v.

**STATE OF NEW JERSEY, A. MATTHEW
BOXER, Comptroller of the State of New
Jersey, CITY OF PERTH AMBOY,
GREGORY FEHRNBACH, Former Business
Administrator of the City of Perth Amboy,
WILLIAM A. PETRICK, Councilman, City of
Perth Amboy, KENNETH BALUT, former
City Councilman of the City of Perth Amboy,
JOHN DOES A-Z (fictitious names) and XYZ
CORPORATION A-Z (fictitious names).**

Defendant.

Civ. No. 2:14-07082 (WJM)

ORDER

THIS MATTER comes before the Court on (1) a motion to dismiss filed by the State of New Jersey and related defendants (hereinafter, “the State Defendants”); (2) a motion to dismiss filed by the City of Perth Amboy and related defendants (hereinafter, “the Perth Amboy Defendants”); (3) Plaintiffs’ motion for leave to amend; and (4) Plaintiffs’ motion for a preliminary injunction; and for the reasons set forth in the accompanying opinion; and for good cause appearing;

IT IS on this 4th day of August 2015, hereby,

ORDERED that the State Defendants’ motion is **GRANTED**; and it is further

ORDERED that the Second Amended Complaint (“SAC”) as against the State Defendants is **DISMISSED WITH PREJUDICE**; and it is further

ORDERED that the Perth Amboy Defendants’ motion is **GRANTED in part**, with the Court reserving its decision on the ADA claim against Perth Amboy; and it is further

ORDERED that within forty-five days of the entry of this Order, the parties are to provide the Court with an update regarding Plaintiffs’ request for accommodations at Perth Amboy’s marina; and it is further

ORDERED that the SAC as against Defendants Ferhnbach, Petrick, and Balut is **DISMISSED WITH PREJUDICE**; and it is further

ORDERED that with the exception of the ADA claim, all claims against Defendant City of Perth Amboy are **DISMISSED WITH PREJUDICE**; and it is further

ORDERED that Plaintiffs’ motion for leave to amend is **GRANTED in part and DENIED in part**; and it is further

ORDERED that by no later than thirty days within the entry of this Order, Plaintiffs may file an amended complaint for the sole purpose of adding an *Ex Parte Young* claim against a proper Defendant alleging that, as applied to Plaintiffs, N.J.S.A. 43:15A-7.2 violates the Contracts Clause of the United States Constitution; and it is further

ORDERED that Plaintiffs’ motion for a preliminary injunction is **DENIED**.

/s/ William J. Martini
WILLIAM J. MARTINI, U.S.D.J.